



Timeline of Dunes Sagebrush Lizard Regulatory Activities and Milestones

- December 1982. The U.S. Fish and Wildlife Service (FWS) identifies the dunes sagebrush lizard (DSL) as species for which proposed listing under the ESA is “possibly appropriate.” [Endangered and Threatened Wildlife and Plants; Review of Vertebrate Wildlife for Listing as Endangered or Threatened Species](#), 47 Fed. Reg. 58454, 58457 (Dec. 30, 1982).
- October 2001. FWS assigns the DSL a “listing priority number” of 2 (on a scale from 1 to 12), which is reserved only for species facing threats that are both imminent and of a high magnitude. [Endangered and Threatened Wildlife and Plants; Review of Plant and Animal Species That Are Candidates or Proposed for Listing as Endangered or Threatened, Annual Notice of Findings on Recycled Petitions, and Annual Description of Progress on Listing Actions](#), 66 Fed. Reg. 54808, 54811 (Oct. 30, 2001).
- December 2010. FWS proposes to list the DSL as “endangered.” [Endangered and Threatened Wildlife and Plants; Proposed Rule to List Dunes Sagebrush Lizard \(Sceloporus arenicolus\) as Endangered](#), 75 Fed. Reg. 77801 (Dec. 14, 2010).
- 2011. Texas lawmakers shift authority for oversight of the Endangered Species Act in the state from the Texas Parks and Wildlife Department to the Texas Comptroller of Public Accounts (CPA). [Media article](#).
- February 2012. FWS approves the CPA’s Texas Conservation Plan (TCP) for Dunes Sagebrush Lizard. [Texas Conservation Plan for the Dunes Sagebrush Lizard \(Sceloporus arenicolus\)](#) (Feb. 13, 2012).
- June 2012. FWS withdraws the 2010 proposed rule to list the species. [Endangered and Threatened Wildlife and Plants; Withdrawal of the Proposed Rule To List Dunes Sagebrush Lizard \(Sceloporus arenicolus\) as Endangered](#), 77 Fed. Reg. 36872 (Jun. 19, 2012).
- February 2013. Defenders of Wildlife issues report documenting serious defects with the TCP and with FWS’s reliance on the TCP to deny listing the DSL. [Dunes Sagebrush Lizard: The Cautionary Tale of a Candidate Species Denied](#).
- March 2013. Using satellite images, Defenders of Wildlife reveals unreported and unauthorized habitat destruction from oil and gas development under the TCP. [Habitat](#)

[Disturbances Under the Texas Habitat Conservation Plan for the Dunes Sagebrush Lizard.](#)

- June 2013. Defenders of Wildlife and the Center for Biological Diversity file lawsuit challenging FWS's decision not to list the species. [Complaint](#).
- November 2014. Glenn Hegar elected as Texas Comptroller, replacing Susan Combs. [Bio](#).
- February 2016. Texas Comptroller Glenn Hegar fired the Texas Habitat Conservation Foundation for reportedly failing to perform any of the habitat restoration work it was supposed to do. [Media article](#).
- March 2016. Federal appeals court upholds FWS's decision not to list the species. [Court opinion](#).
- March 2017. Sand mining in lizard habitat in Texas begins around this time.
- July 2017. Defenders of Wildlife learns about threat of sand mining to lizard and starts using satellite images to track growing footprint of sand mines. Defenders applies computer algorithm ([originally developed for the lesser prairie chicken](#)) to satellite images to find the sand mines.
- August 2017. CPA sends letter to FWS, alerting agency to threat of sand mining in lizard habitat. [Media article](#).
- August 2017. CPA posts on its website a July 2017 report from BIO-WEST that quantifies the amount of disturbance from oil and gas development in lizard habitat under the TCP. [Disturbance Quantification in Dunes Sagebrush Lizard Habitat](#).
- September 25, 2017. Defenders of Wildlife [releases online analysis](#) showing extent of every sand mine in and around lizard habitat, and begins posting monthly satellite images of those mines.
- October 9, 2017. CPA sends letter to FWS summarizing significant problems with the TCP, including the fact that FWS incorrectly assumed in its 2012 withdrawal decision that 71% of the DSL's habitat was protected. In reality, this number is no more than 56% and likely considerably lower. Letter on file with Defenders.
- October 20, 2017. The Center for Biological Diversity and Defenders of Wildlife send letters to the New Mexico Department of Game and Fish, Texas Department of Parks and Wildlife, and the CPA informing them that we intend to file a petition to list the dunes sagebrush lizard as a threatened or endangered species.

- January 2, 2018. FWS sends letter to CPA expressing its “support” to revise the TCP to address the problems with the agreement. Letter on file with Defenders.
- February 9, 2018. CPA sends to FWS a revised draft of the CPA that significantly modifies the original plan. [Media article](#).
- March 2018. Susan Combs becomes the Department of the Interior’s Acting Assistant Secretary for Fish, Wildlife and Parks, a position that allows her to review all ESA listing decisions.
- March 2018. As part of the CPA’s monthly monitoring report to FWS, BIO-WEST provides [a report documenting](#) that most of the properties enrolled in the CPA are unlikely to have been fully protected. Specifically, the report states that 82 percent of the 285 oil and gas wells enrolled in the CPA “were stratified wells, i.e., on property where non-participants share access to the same surface as an enrolled participant.” This finding directly contradicts FWS’s claim in its 2012 withdrawal decision that 71% of the lizard’s habitat in Texas was protected by the TCP.
- May 2018. The Center for Biological Diversity and the Defenders of Wildlife file their petition to list the DSL.